

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1520.00
COMPLAINT INVESTIGATOR: Demaris Stewart
DATE OF COMPLAINT: January 28, 2000
DATE OF REPORT: February 25, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: March 20, 2000

COMPLAINT ISSUES:

Whether the MSD of Lawrence Township violated:

- 511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's individualized education program as written, specifically, failing to provide an instructional assistant.

FINDINGS OF FACT:

1. The student (the "Student") is twelve years old and is in the fifth grade at the local elementary school (the "School"). The Student is eligible for special education and related services as a student with a moderate mental handicap and a communication disorder.
2. As the result of a mediation session on November 22, 1999, the School agreed to the following:
 - the existing programs will be implemented under an instructional assistant (IA) outside of the resource room when appropriate; and
 - a communication system will be put into place so that the IA and teacher of record will work together to keep the parent informed about daily activities.
3. The case conference committee convened on December 2, 1999, and the Student's IEP was amended. Although the IEP contains no specific reference to IA, the School agrees that an IA was to be hired for the Student's benefit.
4. The School attempted to hire an IA, but was unsuccessful until the end of January, 2000. During the interim, the Student received assistance from the teacher and another teacher at the school. The Student currently receives assistance from an IA.

CONCLUSION:

1. Findings of Fact #2, #3, and #4 indicate that the IEP does not specify the services of an IA will be provided to the Student, but the School and the parent agree that they intended that an IA was to be made available subsequent to the December 2, 1999 CCC meeting. Although the School was unable to secure an IA until the end of January, 2000, the Student's teacher of record and another teacher provided academic assistance in the interim. Therefore, no violation of 511 IAC 7-12-1 is found.

The Department of Education, Division of Special Education requires no corrective action based

on the Findings of Fact and Conclusion listed above.